

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

Patent Compliance Group, Inc.,

Plaintiff,

v.

Activision Publishing, Inc.,

Defendant.

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Case No. 3-10CV0288-B

JURY TRIAL DEMANDED

MOTION TO DISMISS OR, IN THE ALTERNATIVE, TO TRANSFER

Defendant Activision Publishing, Inc. ("Activision") respectfully moves this Court to dismiss or, in the alternative, to transfer this action to the Central District of California on each of the following grounds:

1. PCGI's complaint should be dismissed under Fed. R. Civ. P. 12(b)(6) for failure to state a claim under 35 U.S.C. § 292 because PCGI has not pled the statutory intent to deceive requirement adequately.
2. Plaintiff Patent Compliance Group, Inc. ("PCGI") lacks standing to bring this action, which should therefore be dismissed under Fed. R. Civ. P. 12(b)(1).
3. Alternatively, this action should be transferred to the Central District of California because the convenience of parties and witnesses and the interests of justice strongly support transfer.

In support of these motions, Activision is filing concurrently herewith a memorandum of law and an appendix containing documentary evidence to support the motion to transfer.

WHEREFORE, Defendant Activision respectfully requests that this Court:

1. Dismiss PCGI's complaint for failure to state a claim under Fed. R. Civ. P. 12(b)(6); or

2. Dismiss PCGI's complaint for lack of standing under Fed. R. Civ. P. 12(b)(1); or
3. Transfer this action to the Central District of California.

Respectfully submitted,

By: /s/ John J. Little

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*COUNSEL FOR DEFENDANT
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CERTIFICATE OF CONFERENCE

I hereby certify that I conferred with Michael C. Zweber, representing Patent Compliance Group, Inc., on April 16, 2010, regarding the relief sought in the motion to transfer. The motion to transfer is opposed.

/s/ Edward J. DeFranco
EDWARD J. DeFRANCO

CERTIFICATE OF SERVICE

On April 26, 2010 I electronically submitted the foregoing document to the clerk of the court of the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ John J. Little
JOHN J. LITTLE